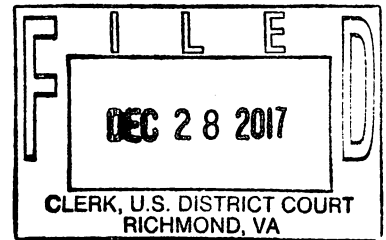


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ALBERT LEWIS PERRY, JR.,)
)
Petitioner,)
v.)
)
COMMONWEALTH OF VIRGINIA)
SUPREME COURT,)
)
Respondent.)

Civil Action No. 3:17CV687-HEH


MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

By Memorandum Order entered on November 17, 2017, the Court conditionally docketed Petitioner's action. The Court directed Petitioner to return his *in forma pauperis* affidavit and affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Petitioner that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Petitioner has not complied with the order of this Court. Petitioner failed to return the *in forma pauperis* affidavit and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall issue.

Date: Dec 28, 2017
Richmond, Virginia


_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE